

ADVERSARY PROCEEDINGS

- **Introduction.** Each Bankruptcy Judge of this Court handles a large number of adversary proceedings, some highly complicated, addressing novel issues along with a steady volume of “routine” adversaries such as discharge actions, turnover complaints, lien avoidances and preference actions.

In order to balance the parties’ desire for quick resolution, counsels’ need to be fully prepared, and the Court’s desire to stay current in its workload, standard procedures have been developed by the Judges.

- **Scheduling Orders.** In lieu of initial pretrial or status conferences which require parties’ attendance, counsel are asked by correspondence from chambers to meet the requirements of Fed. R. Civ. P. 16 and advise the Court of the time necessary for discovery. Scheduling orders are thereafter entered.
- **Modification of Scheduling Orders.** If the parties wish to alter a deadline in a scheduling order, and it does not require the rescheduling of a hearing before the Court, you may telefax a letter to chambers at 803-253-3464 (Judge Waites); 864-591-5317 (Judge Burris); 803-253-3996 (Judge Duncan); indicating the proposed change and whether all parties agree to the modification. If the proposed amendment would necessitate rescheduling a matter already noticed for hearing or trial, the parties must file a motion seeking an amended scheduling order and indicate the reasons therefor, whether all parties consent, and the status of discovery efforts. An agreement to modify a deadline or a request to so modify is not effective absent entry of an amended scheduling order by the Court.
- **Extensions of Time for Filing of Responsive Pleadings in Adversary Proceedings.** A party which has asserted a claim against another party in an original or amended pleading may grant to that party, prior to the expiration of the original deadline, and without a Court order, one extension of time to respond to the pleading. The extension may not exceed fourteen (14) days. All such extensions must be in writing and in the form of a certification of extension, properly captioned in accordance with Fed. R. Bankr. P. 9004, and signed by a party to the extension agreement. In order for the Court to effectively monitor defaults, any certification of extension must be filed with the Court prior to the expiration of the original response deadline. Further extensions may be granted pursuant to a motion demonstrating exceptional circumstances or consent orders which propose extensions or agreements between counsel which meet these requirements.
- **Joint Pretrial Orders.** Pretrial orders are to be submitted timely and submitted as a joint order by electronic mail to judgetwaites_porders@scb.uscourts.gov (Judge Waites); judgetburris_porders@scb.uscourts.gov (Judge Burris); judgetduncan_porders@scb.uscourts.gov (Judge Duncan). The parties need not agree on every matter contained therein in order to submit the order as joint. If there is disagreement on a matter, the joint pretrial order can reflect the disagreement.
- **Submission of Exhibits.** An original and one copy of all paper trial exhibits are to be submitted to the courtroom deputy at the same time as the filing of the joint pretrial order. Trial exhibits are not to be filed on CM/ECF.

- **Scheduling Trials.** In order to accommodate counsel when possible, alternative trial dates are provided to counsel in writing. Counsel are requested to confer and agree upon a preferred date and an alternative date and advise chambers. Thereafter an order setting trial will be entered.
- **Dismissal of Adversary Proceedings.** Dismissals of adversary proceeding are governed by Fed. R. Bankr. P. 7041.